

City of Broomfield

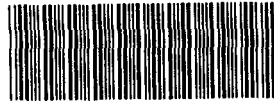
OFFICE OF THE CITY ATTORNEY

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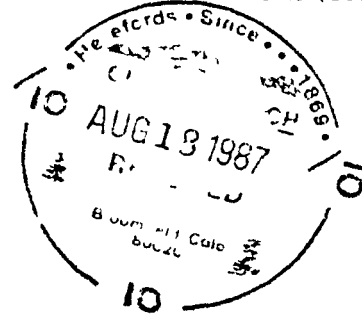
August 14, 1987

0024583

Mr. Pat Courier
Department of Energy
P.O. Box 928
Golden, Colorado 80401



000025397



Re: Upper Church and McKay Ditch Relocation

Dear Mr. Courier:

Enclosed please find a copy of a draft agreement between the City of Broomfield, the Estate of Marcus F. Church, Lakewood Brick and Tile Company and Coal Creek Sand and Gravel Company regarding the relocation of Upper Church and McKay Ditches. The exhibits to the agreement are not attached as they are not completed. It has been suggested that the ditches be relocated to DOE property to facilitate mining operations. The proposed location is shown on the map which Charlie McKay sent to you.

If DOE consent can be obtained for that location, it must be determined whether DOE should be a party to a revised version of this agreement or if there should be a separate agreement between DOE and the City. The City will need the assurance, through an easement agreement, that most of the provisions contained in Article IV of this agreement will apply to DOE as well as the other operators on site.

Please call me when you have had an opportunity to review the contract.

Sincerely,

Laura A. Ditges
Assistant City Attorney

Enclosure

cc: Charles C. McKay

Best Available Copy

ADMIN RECORDED

A-DU03-000557

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*C. C. Rick
Lawton
Rockwell/DOE*

TEXT FOR ATTACHED MAP ON MCKAY DITCH MOVE

The attached map shows the locations of the Section 9 gravel operation, the present ditch locations, the McKay proposal, the "west spray field" RCRA site and two alternative ditch relocation sites

As you can see, the McKay proposal would run along and through the west spray field site. It is not expected that contamination exists within the west spray field but it has not been sampled and tested yet. Even if testing shows that nothing unfortunate exists in the field, it is likely to take 6 months or more, possibly up to a year, for the CDH and EPA to administratively clear the area. Frank Blaha will know more about this (extension 7041). I'm not sure Broomfield would agree to the relocation across a RCRA site regardless of outcome, anyway.

I have proposed two alternatives. Alternative 1 is the least desirable for McKay because it does not move the ditch out of future northern expansion plans and there may be more serious engineering involved because of topographic constraints. But it does move the ditch away from the spray field.

Alternative 2 is more desirable because it is shorter and also avoids the spray field. It does however limit any easterly development on the rest of his mineral lease.

If you have any further questions, please call me (Rick Lawton) at x7079

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